

HOUSE No. 4174

House bill No. 4161, as changed by the committee on Bills in the Third Reading, and as amended and passed to be engrossed by the House. June 13, 2012.

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act relative to an accelerated transportation development and improvement program for the Commonwealth.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for an accelerated transportation development and improvement program for the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. Chapter 159 of the General Laws is hereby amended by striking out section 101,
2 as appearing in the 2010 Official Edition, and inserting in place thereof the following section:-
- 3 Section 101. (a) Whoever fraudulently evades or attempts to evade the payment of a fare
4 lawfully established by a railroad corporation or railway company, either by giving a false
5 answer to the collector of the fare, or by traveling beyond the point to which the person has paid
6 the same, or by leaving the station, train, trolley, car, motor bus, or trackless trolley vehicle
7 without having paid the fare established for the distance traveled or otherwise, shall forfeit not

8 less than \$50 nor more than \$500. Whoever passes beyond the point where a fare is collected and
9 does not first pay such fare shall not be entitled to be transported for any distance, and may be
10 removed from a railway car, train, trolley, motor bus or trackless trolley vehicle; provided,
11 however, that no person shall be removed from a car of a railroad corporation except as provided
12 in section 93, nor from a train except at a regular passenger station.

13 (b) Passengers who fail to pay or prepay the required fare on any vehicle or ferry owned by or
14 operated for the Massachusetts Bay Transportation Authority in violation of this section shall be
15 subject to a noncriminal citation, and may be requested to provide identification to the
16 Massachusetts Bay Transportation Authority police or employees within the instructor, chief
17 inspector or inspector classifications for the purpose of issuing a noncriminal citation. Upon
18 request by a Massachusetts Bay Transportation Authority police officer, a passenger shall make
19 themselves known to police by personal identification or any other means for the purpose of
20 issuing a noncriminal citation. Whoever fails or refuses to make oneself known by personal
21 identification or any other means upon demand by a Massachusetts Bay Transportation Authority
22 police officer for the purposes of issuing a noncriminal citation shall be subject to arrest for fare
23 evasion pursuant to section 93. This paragraph does not confer any power of arrest or any other
24 power, other than to inquire as to personal identification and to issue noncriminal citations to fare
25 evaders, on Massachusetts Bay Transportation Authority employees classified as an instructor,
26 chief inspector or inspector.

27 (c) A person who is issued a noncriminal citation shall be assessed a fine as follows: \$25 for a
28 first offense; \$100 for a second offense; or \$250 for a third or subsequent offense. If the person
29 fails to pay the fine within 90 days of the date of the issuance of a noncriminal citation under this
30 section, or the violator fails to request a hearing within 90 days of the date of the issuance of a

noncriminal citation under this section, the authority shall provide notice of nonpayment of a fine indicating that the person's license or right to operate a motor vehicle will be suspended until the fine is paid. The authority shall provide reasonable opportunity for a hearing and may waive or reduce a fine imposed under this section within its discretion. If the fine is not waived under this section, the violator shall have 90 days from the date of the hearing to pay the fine.

Each citation shall state: "This noncriminal citation may be returned by mail, personally or by an authorized person. A hearing may be obtained upon the written request of the violator. Failure to obey this notice within 21 days after the date of violation may result in the non-renewal of the license to operate a motor vehicle."

(d) Upon the report of the authority of nonpayment of a fine under this section, the registrar shall not renew that person's license or right to operate a motor vehicle under chapter 90 until the registrar receives a report from the authority indicating that the fine has been satisfied. Fines imposed under this section shall be paid to the general fund of the Massachusetts Bay Transportation Authority.

(e) If the records of the registrar indicate that the violator has no current information on file and the violator is under 17 years of age, the record shall be retained until such time the violator is eligible for a license to operate a motor vehicle under chapter 90. The violator must first pay the fine before being issued said license.

If the records of the registrar indicate that the violator has no current information on file and the violator is 17 years of age or older and the violator fails to pay the fine or request a hearing, a surcharge of \$100 will be assessed to each.

SECTION 2. Item 1595-6368 in section 2E of chapter 68 of the Acts of 2011 is hereby amended by adding the following:-

provided, further, that the secretary of transportation shall transfer the remaining snow and ice budget funded from this line item, in an amount not to exceed \$1,500,000, to the regional transit authorities organized under chapter 161B of the General Laws; provided, however, that notwithstanding the provisions of section 23 of said chapter 161B, such funds shall be distributed to each regional transit authority as supplemental assistance pro rata based upon the percentage of funds received by each regional transit authority from the total amount of state contract assistance distributed to such authorities in fiscal year 2012.

SECTION 3. Notwithstanding any general or special law or regulation to the contrary, the registrar of motor vehicles is hereby authorized to transfer \$51,000,000 from the Motor Vehicle Inspection Trust Fund to the Massachusetts Transportation Trust Fund, such authorization is limited to fiscal year 2013 only and expires on June 30, 2013. Not later than 30 days following said transfer, the secretary of transportation shall transfer: (a) \$49,000,000 from the Massachusetts Transportation Trust Fund to the Massachusetts Bay Transportation Authority or any fund controlled by that authority; and (b) subject to the following conditions, \$2,000,000, in the aggregate, from the Massachusetts Transportation Trust Fund to the regional transit authorities organized under chapter 161B of the General Laws; provided, however, that (i) notwithstanding the provisions of section 23 of said chapter 161B, said \$2,000,000 shall be distributed to each regional transit authority as supplemental assistance pro rata based upon the percentage of funds received by each regional transit authority from the total amount of state contract assistance distributed to the regional transit authorities in state fiscal year 2012; (ii) such funds shall only be used to reimburse the authorities for the prior fiscal year's "preventative

maintenance expenses” of the vehicle fleet, as that term is defined within the federal national transit database definitions; and (iii) any regional transit authorities not required to file with the national transit database shall file with the Massachusetts Department of Transportation the same information required by the national transit database with respect to preventative maintenance expenses.

SECTION 4. Notwithstanding chapter 66A of the General Laws or any other general or special law or regulation to the contrary, the Massachusetts Bay Transportation Authority and the regional transit authorities organized under the provisions of chapter 161B of the General Laws are hereby authorized to provide the executive office of health and human services personal data relative to customers utilizing the paratransit services of the authorities for the purpose of securing federal reimbursement and administration of the MassHealth program.

SECTION 5. (a) Notwithstanding any general or special law to the contrary, the Massachusetts Department of Transportation shall submit a report to the house and senate committees on ways and means and the joint committee on transportation on or before July 9, 2012, describing the time and procedures required to free the properties located at 703 Washington street in city of Quincy, and 349 Lincoln street in the town of Hingham, the Commuter Boat Service piers, including Charlestown, and the Fore River Terminal currently owned and operated by the Massachusetts Bay Transportation Authority, from any legal encumbrances in order to prepare said properties for appraisal and sale to the Massachusetts Port Authority during fiscal year 2013. The report shall include an estimated schedule of when the properties will be available for sale and any requirements that must be met in meeting the schedule submitted.

96 (b) Notwithstanding any general or special law to the contrary, the Massachusetts Department of
97 Transportation shall submit a report to the house and senate committees on ways and means and
98 the joint committee on transportation on or before August 31, 2012, on the procedural
99 requirements of Massport and the Massachusetts Bay Transportation Authority to transfer
100 operation and ownership of the commuter boats "Lightning" and "Flying Cloud" to the
101 Massachusetts Port authority during fiscal year 2013. The report shall include a fair market
102 appraisal of properties, as approved by the inspector general, financial obligations to the federal
103 government, if any, and any other requirements that would be associated with said transfer.

104 SECTION 6. Notwithstanding any general or special law, rule or regulation to the contrary the
105 Massachusetts Port Authority shall submit a proposal to the house and senate committees on
106 ways and means and the joint committee on transportation on or before August 31, 2012, on how
107 the authority will own, operate and maintain commuter boat service once the Massachusetts Bay
108 Transportation Authority transfers all rights, title and interest in its properties affiliated with its
109 commuter boat service to the authority. The proposal shall detail any: (a) federal requirements,
110 if any, with the authority's implementation of the purchase and operation of commuter boat
111 service; (b) solvency issues associated with the operation of commuter boat service and the
112 authority's plan to address those issues; and (c) how commuter boat service operation will relate
113 to the economic development of Boston Harbor.

114 SECTION 7. Notwithstanding any general or special law to the contrary the Massachusetts
115 Department of Transportation shall submit a report to the House and Senate Committees on
116 Ways and Means, the Joint Committee on Transportation, and the Joint Committee on Travel and
117 Tourism no later than August 31, 2012 that said report shall include, but not be limited to, an

118 estimated cost for restoring weekend service of said Old Colony Rail service and the cost of a
119 new marketing plan for said service.

120 SECTION 8. Notwithstanding any general or special law to the contrary, no pass purchased for
121 a single ride or as part of a multi-ride pass for use on the commuter rail will expire less than 90
122 days from the date of purchase.

123 SECTION 9. Section 8 shall take effect on July 1, 2012.

124 SECTION 10. The comptroller shall deposit funds received through federal reimbursement due
125 to actions authorized in section 4 of this act to the Massachusetts Transportation Trust Fund,
126 provided that said deposits shall not exceed \$5,000,000.

127 SECTION 11. There shall be study at the direction of the Secretary of Transportation of all
128 issues relating to the need for additional revenue for transportation operations, maintenance and
129 capital funding for transportation in the Commonwealth including roads and bridges, public
130 transportation and bicycle and pedestrian facilities. Said study shall be filed with the Clerk of the
131 House of Representatives and the Clerk of the Senate on or before December 1, 2012.

132 SECTION 12. There shall be a study of the impact of the MBTA fare increases effective July 1,
133 2012 on seniors, persons with disabilities, and students. The study shall include, but not be
134 limited to, the impact of the fare increases on their finances, health, employment, education, and
135 quality of life the RIDE Program. The study shall also examine and propose possible ways of
136 mitigating these impacts. The study shall be conducted jointly by the Executive Office of Elder
137 Affairs, the Office of Disability, and the Department of Elementary and Secondary Education.
138 The MBTA shall cooperate and provide all information necessary to prepare the report. The
139 report, together with any recommendations for legislative or administrative action, shall be

140 submitted by January 1, 2013 to the joint committee on transportation, the Senate and House
141 committees on Ways and Means and the MBTA.